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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,527	07/10/2006	Jean-Philippe Girard	ENDOC.011APC	2903

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EXAMINER

MERTZ, PREMA MARIA

ART UNIT	PAPER NUMBER
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1646

NOTIFICATION DATE	DELIVERY MODE
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09/06/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No. 10/539,527	Applicant(s) GIRARD ET AL.	
	Examiner Prema M. Mertz	Art Unit 1646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26, 28-37, 58-71 and 125-128 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 23-26, 28-37, 58-71, 125-128 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1-22, 27, 38-57, 72-124, 126, have been canceled on 6/17/05. Original claims 23-26, 28-37, 59, 61, 63-71, amended claims 58, 60, 62, 125 (6/17/05), and new claims 127-128 (6/17/05) are pending and under consideration by the Examiner.

Election/Restriction

1. This application is a 371 of PCT/IB03/06477. For applications filed under 371, PCT rules for lack of unity apply.
2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains inventions or groups of inventions, which are not so linked as to form a single inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Groups 1-3. Claims 23-26, 28-32, 127, drawn to a method of ameliorating symptoms of a condition associated with inflammation, said method comprising modulating in a subject the level or activity of the NF-HEV polypeptide or a biologically active fragment thereof, by administering an antisense nucleic acid and altering the expression of a nucleic acid encoding said NF-HEV polypeptide or a biologically active fragment thereof.

Groups 4-6. Claims 33-37, 128, drawn to a method of ameliorating symptoms of a condition associated with inflammation, said method comprising modulating the level of transcription of at least one promoter responsive to an NF-HEV polypeptide or a biologically active fragment thereof wherein the level of a pro-inflammatory cytokine is reduced.

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Group 7. Claims 58-59, 71, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by determining if the compound binds to the NF-HEV polypeptide.

Group 8. Claims 60-61, 70, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by determining if the compound inhibits at least one activity of the NF-HEV polypeptide.

Group 9. Claims 62-65, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by contacting a cell with a compound and determining if the compound inhibits at least one activity of the NF-HEV polypeptide wherein the activity comprises modulating gene expression in an endothelial cell.

Group 10. Claims 62-64, 66, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by contacting a cell with a compound and determining if the compound inhibits at least one activity of the NF-HEV polypeptide wherein the activity comprises modulating the inflammatory potential of an endothelial cell.

Group 11. Claims 62-64, 67, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by contacting a cell with a compound and determining if the compound inhibits at least one activity of the NF-HEV polypeptide wherein the activity comprises modulating the phenotype of an endothelial cell.

Group 12. Claims 62-64, 68, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by contacting a cell with a compound and determining if the compound inhibits at least one activity of the NF-HEV polypeptide wherein the activity comprises regulating HEV-like vessel development or maintenance.

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Group 13. Claims 62-64, 69, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by contacting a cell with a compound and determining if the compound inhibits at least one activity of the NF-HEV polypeptide wherein the activity comprises modulating the differentiation or proliferation of an endothelial cell.

Groups 15-16. Claim 125, drawn to a method of identifying a candidate inhibitor of an NF-HEV polypeptide by determining if a test compound selectively inhibits the ability of a NF-HEV polypeptide of SEQ ID NO: 4 or 5 to bind to a target polypeptide.

NOTE: Should any one of the Groups from 1-2 be elected, Applicants are required to select one polypeptide of specific amino acid sequence as set forth in SEQ ID NO:4-6. Once one polypeptide is selected all other will be withdrawn from consideration.

NOTE: Should any one of the Groups from 15-16 be elected, Applicants are required to select one polypeptide of specific amino acid sequence as set forth in SEQ ID NO:4-5. Once one polypeptide is selected the other will be withdrawn from consideration.

Applicants must choose a single polypeptide sequence for examination. This is not a species election, but an election of a single invention.

If Applicants believe that their sequences are so overlapping as to be obvious variants of each other, Applicants may choose a single sequence for search, this sequence being a representative sequence of all sequences or a designated subset of the sequences, as Applicants

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may choose. If Applicants present a single sequence to represent all sequences claimed, it will be understood that if this sequence or any sequence is found, the remaining sequences will be considered to be obvious variants of the found sequence.

The inventions listed as Groups I-16 do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding special technical feature for the following reasons:

The PCT rules define a special technical feature as a feature, which defines a contribution over the prior art. The first claimed invention fails to recite such a feature, since the Merck manual teaches that corticosteroids can be used to ameliorate the symptoms of inflammation (see page 3-6, first column). Therefore, the teachings of the reference meet the limitations of the method of Group I.

Since the first claimed invention lacks a special technical feature, the other claimed inventions cannot share a special technical feature with the first claimed invention. The methods of Groups 1-16 are patentably distinct from each other because each recites method steps not required by the other, each method uses different starting materials and the search of all methods in one patent application would result in an undue search burden.

3. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

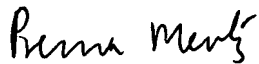
Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prema Mertz whose telephone number is (571) 272-0876. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached on (571) 272-0835.

Official papers filed by fax should be directed to (571) 273-8300. Faxed draft or informal communications with the examiner should be directed to (571) 273-0876.

Information regarding the status of an application may be obtained from the Patent application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Prema Mertz Ph.D., J.D.
Primary Examiner
Art Unit 1646
August 8, 2007